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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20534

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In the Matter of

Amendment of Part 5 of the
Commission's Rules to Revise
the Experimental Radio Service
Regulations

ET Docket No. 96-256

**REPLY COMMENTS OF
COMSAT RSI, INC.**

COMSAT RSI, Inc., ("CRSI"), by its attorneys, hereby offers its reply to the comments filed in the above-captioned docket in response to the Notice of Proposed Rulemaking ("Notice").¹ As explained below, in general, CRSI joins the initial comments in supporting the many of the FCC's proposals to reduce the regulatory burdens on experimental licensees.² However, CRSI believes the Commission should modify the proposed rule changes to identify at least one of the more common circumstances under which a special temporary authorization ("STA") should be renewable and to maximize licensee's technical flexibility without increasing the potential for interference.

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¹ FCC 96-475 (released Dec. 20, 1996).

² A number of the FCC's proposals, *e.g.*, those relating to student authorizations, do not affect CRSI, and CRSI will not address these.

1. Statement of Interest

CRSI, which was founded in 1960, is a wholly-owned subsidiary of COMSAT Corporation. CRSI designs, manufactures and installs a range of systems, subsystems and components for fixed and mobile satellite and terrestrial communication, air traffic control, radar, and specialized applications in the United States and worldwide. CRSI uses its Part 5 experimental licenses to test antennas for a wide variety of commercial and governmental customers, to help ensure that the antennas are designed, manufactured, and operating properly before their delivery or installation in the field by CRSI's customers. CRSI, which has over 1500 employees, conducts virtually all of its antenna testing at two locations in Northern Virginia. At its range in Arcola, Virginia, CRSI has a number of test source facilities for outdoor testing. In Sterling, Virginia, CRSI conducts its tests within a protected, metal building and an anechoic chamber. In its three decades of operation, CRSI has made every effort to conduct its tests so as to minimize the opportunity to interference with other users of the radio spectrum.

In light of the above, CRSI is very pleased, therefore, that the FCC has proposed to revise Part 5 of its rules to ease some of the regulatory burdens of experimental licensees such as CRSI, so as to improve the efficiency of experimental operations. CRSI welcomes the opportunity to participate through this reply in efforts to improve the Commission's regulations governing experimental operations. In general, CRSI supports the FCC proposals, with the exception of some clarifications that CRSI requests be included in the final rules.

2. The Rules Should Clarify Certain Circumstances in Which STAs Can Be Renewed.

The Commission proposes to change its rules so that, absent "extenuating circumstances," grants of special temporary authority ("STAs") will be limited to single, short-term, non-renewable authorizations. *Notice* ¶ 18. In other words, STAs will, normally speaking, be limited to six months. Neither the *Notice* nor the proposed rules articulate what "extenuating circumstances" will include.

CRSI does not object to the proposed requirement that an STA cannot be renewed if an application for a "permanent" Part 5 license has not been filed prior to the 60 day before the expiration of the STA. When time permits, CRSI has endeavored to file for its permanent license application well in advance of when the license will be necessary to satisfy customer requirements. If the required date is approaching, and CRSI has not yet received its permanent license, it will file for a temporary authorization. At other times, due to the timing of a customer contract, when it is obvious from the start that the permanent license is unlikely to be granted prior to the date the customer requires testing to begin, CRSI will submit the permanent license application and a request for a STA simultaneously. In both scenarios, the permanent license application may not be granted prior to the expiration of the initial STA.

In circumstances such as these, as suggested by Motorola, where an application for permanent authority has been timely filed, the STA should continue in force automatically, without the need for a renewal application and its related expenses, until such time as the Commission has acted upon the permanent license application.³ Alternatively, the

³ Comments of Motorola, Inc. (filed Feb. 10, 1997) at 4.

Commission should permit renewal of the STA, provided the application for a "permanent" experimental license has been filed in advance of the STA's expiration.

**3. Experimental Licensees Should Not Be Required
to Notify Other Licensees Prior to Commencing Operation**

In the *Notice*, the Commission proposes to eliminate the requirement that current licensees notify the Compliance Information Bureau before commencing experimental operations. *Notice* ¶ 19. CRSI supports this proposal because it would eliminate what has proven to be an unnecessary burden upon licensees. AT&T Wireless, in its comments, suggests that the Commission replace this requirement with a regulation mandating that experimental licensees notify and coordinate with incumbent operators in the spectrum at least thirty days prior to commencing operations.⁴ Given the small probability of interference from experimental operations, as confirmed by CRSI's experience and the FCC's own observation, *see Notice* ¶ 19, AT&T Wireless' proposal would create an unnecessary but significant burden for experimental licensees.

The Commission already considers the potential for interference before granting an experimental license request. Moreover, incumbent operators, should they experience harmful interference, should be able to easily identify experimental licensees, certainly those with stationery operations such as CRSI. As the FCC notes, its database has been improved to facilitate identification of any potential cause of interference.

CRSI, for its part, should it become aware that its operations are causing harmful interference to an incumbent operator, will take all steps necessary to comply with its

⁴ Comments of AT&T Wireless Services, Inc. (filed Feb. 10, 1997) at 5.

obligation as a Part 5 licensee to avoid causing such interference to incumbent operators.

Accordingly, the Commission should not adopt AT&T Wireless' proposal.

4. Experimental Licensees Should Have the Flexibility Requested by Rockwell International Corporation

The FCC proposes to grant Part 5 licensees the flexibility to make changes in the equipment used in experimental operations, provided that such change does not result in operations inconsistent with the terms of the licensees' existing authorization.⁵ CRSI supports this proposal. In its comments, Rockwell International Corporation proposes that the Commission explicitly permit changes in emissions characteristics without requiring a license modification, provided that the change does not result in the operations exceeding the maximum emissions envelope permitted under the authorization.⁶ Such flexibility would be appropriate since it would not increase the potential for harmful interference to radio station licensees in the same or adjacent spectrum. A grant of such flexibility, on the other hand, would reduce the regulatory burden upon the Commission without compromising the FCC's responsibility to minimize interference within the radio spectrum.

In its operations, CRSI often finds that, as a particular project progresses, it is required to introduce new types of modulations (as one example) in order to satisfy customer requirements. These types of emissions may not have been specifically requested in the application, but their use would not result in the operations exceeding the maximum emissions envelope authorized or otherwise increasing the potential to interfere. CRSI, and its customers, would benefit from the type of flexibility proposed by Rockwell, because

⁵ Notice, Appendix A, proposed rule 5.77.

⁶ Comments of Rockwell International Corporation (filed Feb. 10, 1997) at 3-4.

CRSI would be able to more expeditiously embark upon new, originally unforeseen, phases of a testing project. Accordingly, CRSI strongly urges the Commission to adopt Rockwell's proposal.

5. The Commission Should Establish a New Class of Experimental License With A Five-Year Term.

The Commission proposes to establish an additional class of experimental license, with a five-year term, to support long-term operations. *Notice* ¶ 7. A number of parties support this proposal.⁷ Frequently, CRSI is required to extend its research and development beyond two years in order to meet ongoing customer requirements, for example to retest antennas or to analyze later generations of antennas related to earlier phases of a system deployment. The availability of a five-year term will not only decrease CRSI's regulatory burden and related expenses in filing for renewal in appropriate circumstances, but it will decrease the Commission's burden in processing renewal applications for the not unusual case where projects involve time frames exceeding two years. In short, CRSI agrees with Motorola, Inc. that longer license term "would make far better use of both public and private resources." *Id.* Thus, the Commission should permit experimental licenses with a five-year term.

⁷ *E.g.*, Comments of Motorola at 6.

6. The Commission Should Permit Electronic Filing of Experimental Applications.

The Commission proposes to create a new rule to permit the electronic filing of experimental applications. *Notice* ¶ 9. This proposal is in line with the Commission's process of establishing electronic filing for several other services. There is no question that electronic filing would improve the licensing process to allow experimentation to begin as soon as possible, particularly in the case of STA requests for which expedited processing is sought. Accordingly, CRSI encourages the Commission to permit electronic filing of applications for all classes of experimental licenses.

7. The Commission Should Create a New Provision to Provide for Preferential Processing of STAs Under Certain Circumstances.

The Commission proposes to modify its rules so as to permit expedited processing of STAs in certain circumstances. *Notice*, ¶ 15. Not infrequently, CRSI is awarded a contract on short notice, or a customer will seek new requirements that would fall outside the technical flexibility sought above with very little lead time. The need for an STA may arise, therefore, rather unexpectedly. Accordingly, CRSI joins Rockwell in urging the Commission to permit preferential processing of STAs under appropriate circumstances.⁸

⁸ Comments of Rockwell at 5. CRSI also joins other commenters in supporting the proposals in the *Notice* to allow multiple related experiments to be contained under a single license, *Notice* ¶ 8. Furthermore, CRSI acknowledges the need for experimental licensees requesting use of public safety frequencies to coordinate such use with public safety entities and frequency coordinators.

Conclusion

For the foregoing reasons, the Commission should adopt its proposed changes in the *Notice*, modified as suggested herein.

Respectfully submitted,

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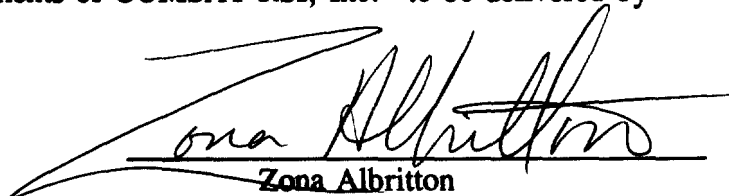
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February 28, 1997

CERTIFICATE OF SERVICE

I, Zona Albritton, do hereby certify that I on this 28th day of February, 1997 I caused a copy of the foregoing "Reply Comments of COMSAT RSI, Inc." to be delivered by messenger to the following:



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